

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ILLINOIS**

DARNELL DAVIS,

Plaintiff,

v.

LT. WILLIAMS, et al.,

Defendants.

Case No. 08-cv-250-DRH

MEMORANDUM & ORDER

HERNDON, Chief Judge:

This matter is before the Court on the Report and Recommendations (“R&R”) issued pursuant to **28 U.S.C. § 636(b)(1)(B)** by United States Magistrate Judge Frazier (Doc. 34). The R & R’s conclusion, based on the Magistrate Judge’s review of the record and the applicable law, is that Plaintiff has properly exhausted his administrative remedies and that the Defendants’ Motion for Summary Judgment, based upon the issue of administrative exhaustion, (Doc. 24) should therefore be denied.

The R&R was sent to the Parties with a notice informing them of their right to appeal by way of filing “objections” within fourteen days of service. The time period in which to file an objection has lapsed. None of the Parties have filed any objection. Therefore, pursuant to **28 U.S.C. § 636(b)** this Court need not conduct

a *de novo* review. ***Thomas v. Arn*, 474 U.S. 140, 149-52 (1985)**. Accordingly, the Court **ADOPTS** the R&R (Doc. 34) in its entirety and **DENIES** Defendants' Motion for Summary Judgment (Doc. 24).

IT IS SO ORDERED.

Signed this 9th day of June, 2010

/s/ David R. Herndon

**Chief Judge
United States District Court**